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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,351	02/28/2002	Takeshi Ozawa	1232-4831	4045
27123	7590	08/09/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			HANNE, SARA M	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,351

Applicant(s)

OZAWA ET AL.

Examiner

Sara M. Hanne

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed 6/30/06. Claims 1, 3-10, 12-17, and 19-20 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3-10, 12-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volk et al. US Patent 5687331, and further in view of Yokomizo, US Patent Application Publication 2002/0124263.

As in Claims 1, 10 and 17, Volk et al. teaches an information processing apparatus, method, and computer storage medium with control program comprising identification means for searching the multimedia contents ("a focus item is a visual or audio indicator", Col. 7, line 7) and wherein each of the objects is associated with an executable function ("an "object" refers to a software element comprising an associated set of function members and data members accessible through a set of predefined interface commands", Column 10, lines 46-49), generating means for generating a list table of the objects identified by the identifying means (list of commands compiled from memory), setting means for setting a selection order for the objects identified by the identification means (order of the list) based on the list table of objects generated by generating means, control means for controlling order set in the setting means so that each of the objects is to be selected in turn (Figure 5d, "tab mode", Column 21, line 57 et seq.) and the associated function is executed upon receiving a command from the user (Col. 7, lines 6-17). While Volk et al. teaches the selection method of identified functions from multimedia contents encoded by object-based coding, they fail to explicitly show the identifying a plurality of objects from the multimedia contents while the multimedia contents are displayed on the display screen as recited in the claims. In the same field of the invention, Yokomizo teaches an information processing apparatus and method including object-based coding similar to that of Volk et al. In addition, Yokomizo further teaches the identifying a plurality of objects from the multimedia contents while the multimedia contents are displayed on the display screen (Pg. 1, Par. 8, main screen and sub screen and ref. S38 Fig. 10B). It would have been obvious to

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one of ordinary skill in the art, having the teachings of Volk et al. and Yokomizo before him at the time the invention was made, to modify the selection method of identified functions from multimedia contents encoded by object-based coding taught by Volk et al. to include the identifying a plurality of objects from the multimedia contents while the multimedia contents are displayed on the display screen of Yokomizo, in order to obtain searching functions from multimedia contents displayed concurrently with the multimedia contents themselves. One would have been motivated to make such a combination because a multipurpose dual display for viewing and user interaction would have been obtained, as taught by Yokomizo.

As in Claims 3 and 12, Volk et al. teaches the setting means identifies an order in which objects appear (done by the system identifying the nature of the user input), which the objects are laid vertically (selection between control items 102, 103 and 104), or an order in which objects are laid out horizontally (control of modal control item 104).

As in Claim 4, Volk et al. teaches an instruction means for instructing one of the objects identified by the identification means as the object to be selected (Col. 20, lines 30-35).

As in Claim 5, Volk et al. teaches means for changing an instruction of the object to be selected by the instruction means in accordance with the order set by the setting means (Fig. 9b and Fig. 11 with corresponding text).

As in Claims 6 and 13, Volk et al. teaches identifiably informing the user of the object instructed as the object to be selected by the instruction means ("highlighting" Col. 7, lines 18-20).

As in Claims 7 and 14, Volk et al. teaches a button for switching the object to be selected by one touch in accordance with the order (navigational arrow buttons, Col. 16, line 67).

As in Claims 8, 15 and 19, Volk et al. an information processing apparatus and method for identifying an object set with a function from multimedia contents encoded by object-based coding and selecting each object in turn (see the rejection of Claims 1 and 10 *supra*). While Volk et al. teaches the selection method of identified functions from multimedia contents encoded by object-based coding, they fail to show the object-based coding including MPEG-4 as recited in the claims. In the same field of the invention, Yokomizo teaches an information processing apparatus and method similar to that of Volk et al. In addition, Yokomizo further teaches the object-based coding including MPEG-4 (Pg. 2-3, Par. 35). It would have been obvious to one of ordinary skill in the art, having the teachings of Volk et al. and Yokomizo before him at the time the invention was made, to modify the selection method of identified functions from multimedia contents encoded by object-based coding taught by Volk et al. to include the object-based coding including MPEG-4 of Yokomizo, in order to obtain the use of MPEG-4 concurrent menu function selection. One would have been motivated to make such a combination because use of the invention in a current day video implementation would have been obtained, as taught by Yokomizo.

As in Claims 9, 16 and 20, while Volk et al. teaches the selection method of identified functions from multimedia contents encoded by object-based coding, they fail to show the BIFS data as recited in the claims. In the same field of the invention,

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Yokomizo teaches an information processing apparatus and method similar to that of Volk et al. In addition, Yokomizo further teaches the multimedia contents encoded by object-based coding include BIFS data and the identification means identifies objects based on the BIFS data (Pg. 3, Par. 46). It would have been obvious to one of ordinary skill in the art, having the teachings of Volk et al. and Yokomizo before him at the time the invention was made, to modify the selection method of identified functions from multimedia contents encoded by object-based coding taught by Volk et al. to include the inclusion of BIFS data of Yokomizo, in order to obtain BIFS data implementation for menu display. One would have been motivated to make such a combination because scene implementation would have been obtained, as taught by Yokomizo.

Response to Arguments

Applicant's arguments filed 6/30/06 have been fully considered but they are not persuasive.

In response to the applicant's arguments that "there is no such teaching in Volk and Yokomizo that generates a list table of the plurality of sensor object and determines the selection order based on the list table" the examiner disagrees. Within the software of Volk there is a list of said objects, they are displayed in a particular order on the screen that allows them to be selected sequentially (see rejections *supra*).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "enables the user to set the selection order in various ways" and "based on x-y-coordinates") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

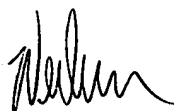
The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar selection and control techniques for multimedia functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh



WEILUN LO
SUPERVISORY PATENT EXAMINER